

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission's Rules to	)	CC Docket No. 94-102
Ensure Compatibility With Enhanced	)	
9-1-1 Emergency Calling Systems	)	
	)	

**REPLY COMMENTS OF  
MERCEDES-BENZ USA, LLC**

Mercedes-Benz USA, LLC ("MBUSA"), on behalf of its parent company DaimlerChrysler AG, hereby files these reply comments in the above-captioned proceeding. MBUSA offers its customers Tele Aid, a telematics service that provides automatic crash notification ("ACN") and "hot button" connection to an emergency call center. As explained in its initial comments, the emergency assistance response enhancements pioneered by MBUSA and other telematics service providers ("TSPs") were developed without government mandates, and no intervention by the Commission is needed now to ensure that consumers continue to receive the best possible service. Indeed, any new mandates at this time, while both TSPs and PSAPs are in the midst of complex and costly transitions to new technology, would adversely affect the provision of telematics and PSAP services.

**I. The Record Demonstrates Strong Support for the Positions  
Advocated by MBUSA**

A review of the comments addressing telematics issues revealed that an overwhelming number of commenters took positions consistent with the ones

advanced by MBUSA. Significantly, only one commenter suggested that the Commission should impose E911 requirements on all TSPs. <sup>1/</sup> The vast majority of commenters agree that the Commission should not impose E911 regulations on the provision of core safety-focused telematics services. The list of commenters adopting such a position is long: the American Automobile Association (“AAA”), ATX Technologies, Inc. (“ATX”), Benton County Emergency Services E911 Program (“Benton County”), BMW Group (“BMW”), ComCARE Alliance (“ComCARE”), Intelligent Transportation Society of America (“ITS”), Motorola, OnStar Corp., Technical Affairs Committee of the Association of International Automobile Manufacturers, Inc. (“AIAM”), and Toyota Motor North America, Inc. (“Toyota”).

Similarly, the Association of Public-Safety Communications Officials – International, Inc. (“APCO”), Nextel Communications, Inc. (“Nextel”), AT&T Wireless Services, Inc. (“AT&T”), the Cellular Telecommunications and Internet Association (“CTIA”) and the Washington State Enhanced 911 Program (“Washington State”) only urged the Commission to impose regulations in those cases where the telematics service competes with CMRS or where consumers have a reasonable expectation of access to 911. Such a position would not impact MBUSA’s Tele Aid service because its subscribers are only able to access call centers operated by MBUSA or its partner ATX, and therefore cannot use the service as a CMRS substitute. Moreover, as detailed in MBUSA’s comments, Tele Aid users have no

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<sup>1/</sup> See Comments of the Boulder Regional Emergency Telephone Service Authority (“Boulder”). MBUSA responds to Boulder’s specific recommendations in the next section.

expectation of 911 access. They are made well aware of the fact that their subscription affords them access to the trained staff at the Tele Aid call center, rather than a direct connection to 911.

Moreover, not a single commenter affirmatively concluded that the Commission has adequate statutory authority to impose E911 obligations on TSPs such as MBUSA. Indeed, the several commenters that provided any detailed analysis of the issue concluded just the opposite – that the Commission most likely does *not* have the authority to regulate TSP service offerings that are not interconnected with the public switched network (“PSN”). <sup>2/</sup> Non-interconnected services are not commercial mobile services and therefore do not fall under the Commission’s Section 201(b) authority. <sup>3/</sup> Thus, the joint comments of the National Emergency Number Association and the National Association of State Nine-One-One Administrators (“NENA/NASNA”) were mistaken to state, without any analysis, that “TSPs are capable of being treated as CMRS providers,” at least to the extent that their conclusion was intended to apply to all TSPs. NENA/NASNA were also misguided in suggesting that the 911 Act may provide the Commission with authority to regulate the provisioning of automatic crash notification (“ACN”)

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<sup>2/</sup> See ATX Comments at 19-30; Toyota Comments at 13-17; OnStar Comments at 15-17; ITS Comments at 7-9. See also Washington State Comments at 6 (“telematics would appear to be outside the clear jurisdiction of the FCC” where the customers have a clear expectation that the call will be delivered to a private call center instead of a PSAP).

<sup>3/</sup> See Toyota Comments at 13-15; OnStar Comments at 15-16.

service. In fact, the 911 Act explicitly precludes the Commission from “impos[ing] obligations or costs on any person.” <sup>4/</sup>

Finally, commenters agreed that telematics services are information services, not telecommunications services, because they “generate, acquire, process, retrieve, and utilize information” that is transmitted via telecommunications. The Commission has historically refrained from regulating information services. It should continue in that tradition here and forbear from regulating telematics.

## **II. Concerns Expressed Regarding the Call Center Approach Are Unfounded and Direct Delivery of Telematics Data to PSAPs Is Not Justified**

While the comments were nearly unanimous in the opinion that the Commission need not regulate telematics services like Tele Aid, very few commenters nevertheless expressed concern relating to the call center method of providing emergency assistance services. Boulder, Washington State and Nextel suggest that, under the current call center model, delays in dispatching emergency responders can occur because the vehicle location and other pertinent information are orally relayed to the PSAP by the call center – rather than automatically populating a CAD workstation for viewing by PSAP personnel – and it becomes cumbersome to transfer the information electronically to another entity if necessary. In order to avoid delays, Boulder requests the Commission to mandate

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<sup>4/</sup> The Commission should also note ComCARE’s informal “legislative history” regarding the 911 Act. ComCARE was intimately involved in passage of the 911 Act and states that it was unaware of any intention on the part of lawmakers for the Act to provide the Commission with additional jurisdiction. *See* ComCARE Comments at 48. *See also* TIA Comments at 7-8 (citing Senate Report text stating that “the FCC’s authority over 911 service is limited to private carriers”).

electronic delivery of the ANI/ALI data within 30 seconds of the call initiation, and Nextel similarly suggests that the data should be delivered directly to the PSAP from the telematics device.<sup>5/</sup>

These comments ignore the fact that, by providing very precise location information to the PSAPs, time is actually *saved*. As explained in the MBUSA's comments, the Tele Aid's "dead reckoning" location information is generally superior in accuracy to that required by the Commission's E911 rules. This more precise location data, combined with vehicle-specific identifying information available from the call center database, can aid emergency responders in reaching accident victims faster than Phase II ALI data. More importantly, because most PSAPs are not yet capable of receiving wireless Phase II data, the orally-relayed location information is the only option available in the vast majority of cases. Even among those PSAPs that are Phase II-capable, there has been no agreement across the country as to the formats and protocols that should be used to deliver telematics information, or even exactly what telematics data should be delivered. <sup>6/</sup> Because

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<sup>5/</sup> See Boulder Comments at 3, 6; Nextel Comments at 15. Nextel correctly cautions that before imposing such a requirement, the Commission should consider whether there are any unique technical issues raised in transmitting telematics calls directly to a PSAP. Similarly, Boulder allows that waivers should be granted where compliance is impracticable due to "service design or limitations of embedded CPE." Boulder comments at 4. MBUSA submits that, given the current service design of most TSPs and the nature of embedded CPE, the Commission would be compelled to grant a waiver for the vast majority of telematics service offerings, therefore calling into question the wisdom of implementing such a rule in the first place.

<sup>6/</sup> See Intrado Comments at 6, 10; ComCARE Comments at 34-35. Tele Aid is actively working with the public safety community, including NENA and APCO to develop a consensus on these issues. While progress is being made, much work still

TSPs operate ubiquitously throughout the nation, they cannot “customize” the delivery of data to suit individual PSAP requirements. <sup>7/</sup>

Providing telematics data directly to both the PSAP and the call center may create confusion that could result in delays itself. For example, because only the call center has the capability to call the vehicle back in the event the call is dropped (the telematics devices cannot be dialed from the PSN) the call center would still need to be in contact with the PSAP to confirm that the voice communication was successful. Coordination would be required to match up the call center confirmation call with data received at the PSAP directly from the vehicle. In addition, the call center would, in any event, need to contact the PSAP unless it was certain that the particular PSAP was able to receive Phase II/telematics data directly. As PSAPs across the country gradually implement the upgrades necessary to receive Phase II data, it would be difficult to maintain an up-to-date list of which PSAPs have this capability.

The call center model also saves time, not only for reaching telematics subscribers, but for all users of the PSAP. It is well established that telematics call centers screen out a very large percentage of calls not requiring emergency

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remains. *See* ATX Comments at 12-14. The NENA/NASNA comments imply, at least, that the Harris County, TX field trial has identified the way forward on providing telematics data directly to PSAPs. *See* NENA/NASNA Comments at 9-10. However, the Harris County trial represents only one of several methods being considered. Significantly, cost estimates of implementing the Harris County method have not been completed.

<sup>7/</sup> For example, Boulder requests that location data be provided in an undefined “usable format.” Boulder Comments at 3. MBUSA notes that a useable format for Boulder may not be a useable format for other PSAPs in other areas.

assistance that would otherwise be routed to and answered by the local PSAP. Boulder should be careful about asking for something that it may, in fact, not want to receive. Many PSAPs are already overburdened by accidental, duplicative or non-emergency wireless 911 calls. <sup>8/</sup> Benton County reports that 30% of its wireless calls are unintentional misdials. <sup>9/</sup> If PSAPs received *every* telematics call, the PSAP answer response time could increase for *all* 911 callers, assuming a fixed amount of PSAP staff resources. For this reason, Benton County takes the opposite position from Boulder and states that calls should continue to be screened by the telematics call center.

Boulder justifies its request for direct delivery of telematics calls in part based on its claim that telematics call center personnel are not adequately trained to answer emergency calls. This is factually incorrect. ATX, which operates the Tele Aid call center, has its operators trained by APCO-certified instructors using APCO materials, based on the requirements for public service emergency call-takers. Moreover, unlike PSAP operators, TSP call center operators are also trained to work on consoles that include specialized telematics information and digital mapping not available to most PSAPs. OnStar also reports that its emergency calls are handled by specially-trained emergency call-takers. <sup>10/</sup>

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<sup>8/</sup> See *A Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 9-1-1 Services*, WT Docket No. 02-46, at 31 (2000) (“Hatfield Report”).

<sup>9/</sup> See Benton County Comments at 3.

<sup>10/</sup> See OnStar Comments at 5, 9. See also BMW Comments at 4.

Finally, requiring telematics devices to transmit data directly to PSAPs would impose a requirement on TSPs in excess of that imposed on CMRS operators. Pursuant to Section 20.18(k) of the Commission's rules, CMRS providers offering a dispatch service are not required to provide for the direct delivery of E911 data to a PSAP. While TSPs do not meet the definition of dispatch service providers, the key aspects of the dispatch model are present in both cases, as neither the typical dispatch service, nor the typical telematics service allows subscribers to make or receive calls via the PSN . There is no policy rationale for imposing a more burdensome regulatory regime on TSPs, providing an information service, than on CMRS operators.

### **III. TSPs Already Assist PSAPs by Helping to Conserve Scarce Resources; No Additional Contribution to PSAPs Is Warranted**

Intrado argues that TSPs should contribute financially to PSAPs because calls from telematics call centers burden the PSAPs' resources (*e.g.*, staffing and telephony costs). <sup>11/</sup> Intrado makes this comment immediately after stating that telematics call centers "provide a valuable function of triaging emergency calls and filtering events that do not require public safety involvement," and noting statistics that 80% of "emergency" telematics calls end up not requiring public assistance. <sup>12/</sup> Thus, rather than burdening the PSAPs with calls as Intrado implies, TSPs actually *reduce* the total number of calls to PSAPs, helping them conserve their limited resources. Accordingly, there is little public policy rationale for requiring financial

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<sup>11/</sup> See Intrado Comments at 9.

<sup>12/</sup> *Id.*



contributions from TSPs to PSAPs. [13/](#) Indeed, most telematics subscribers are also CMRS subscribers and are already contributing to PSAPs in those jurisdictions that have a cost recovery mechanism in place. A CMRS subscriber will not “consume” any more PSAP resources by virtue of also being a telematics subscriber.

Intrado also suggests that TSPs should be required to support PSAP equipment upgrades to accommodate new ALI screen elements introduced by telematics calls. [14/](#) Yet, as Intrado itself also notes, national standards for the provision of telematics data to PSAPs and other entities are needed before such information can be provided on a cost-effective basis. [15/](#) Thus, it is premature to discuss upgrading PSAP systems for telematics before there is even agreement on what data should be provided. [16/](#) Finally, Intrado should recognize that PSAP cost recovery mechanisms are determined by state and local governments, not by the Commission.

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[13/](#) Obviously, if the cost of telematics service goes up based on contributions to PSAPs, fewer people will subscribe to telematics service, thereby resulting in increased non-emergency calls going directly to the PSAPs.

[14/](#) See Intrado Comments at 9.

[15/](#) See *id.* at 6, 10.

[16/](#) See *id.* at 10.

## CONCLUSION

As the record developed thus far in this proceeding makes clear, no regulation of core telematics services is needed, and any such regulation would likely result in fewer telematics offerings. The comments of a single 911 entity requesting Commission mandates on TSPs that are not technically or operationally feasible should be viewed in the broader context of PSAP readiness across the country, and rejected as too burdensome and potentially counterproductive to the goal of increasing public safety. The Commission should instead permit the productive and successful on-going dialogue between the emergency response community and TSPs to continue without government intervention.

Respectfully submitted,

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